

U.S. faces dilemma in court case

By Mike Boehm
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WEST PALM BEACH, Fla. — Federal officials will have to decide which is more important to the U.S. government: keeping classified information secret or bringing a retired Air Force general to trial on charges of embezzlement.

Prosecutors may not be able to do both; now that a judge has ruled that Gen. Richard B. Collins has a right to bring secret information to light in his defense.

Collins, 53, is accused of funneling \$445,000 from secret military accounts into his Swiss bank accounts before he retired in 1978.

The general, a resident of Fort Lauderdale, said classified documents and other secret information would show that he was not stealing the money but was carrying out his assignment as manager of funds used to bankroll CIA and military intelligence operations in Europe.

Lawyers on both sides confirmed early this week that a sealed order issued by U.S. District Judge James C. Paine had allowed Collins to bring out military secrets in a trial scheduled to start July 18 in West Palm Beach.

"The government is given the choice of making the information public, or letting the case die and preserving the secrecy of the information," Michael Pasano, a federal prosecutor involved in the case, said Monday. "Ultimately, that will be decided in Washington by the interested agencies and the Department of Justice."

Collins' lawyer, Stephen J. Bronis, said, "We now have the ability to defend the case. I'm confident we can win either way."

Paine reviewed the classified evidence in Collins' case during a closed hearing last week. "The judge ruled that it is relevant and material and necessary for the defense to use it," Bronis said.

Justice Department spokesman John Russell said he knew of one other case several years ago in which federal prosecutors dropped criminal charges rather than risk exposing military secrets. The case involved an Air Force lieutenant accused of stealing secret missile information, Russell said.

Almost all the pretrial proceedings in the Collins case have been closed to keep secret information from coming out. There had been speculation that the trial might have to be secret as well, but Paine said Monday that he saw no grounds for a closed-door trial.

There may be a way for Collins to put on a full defense in a public trial without exposing some of the secrets the government wants to keep, said Pasano, the Justice Department lawyer.

Classified documents could be edited to keep out the names of secret agents, he said. Information could be summarized to give jurors the gist of the defense's argument without divulging secrets.

But Bronis said he wanted all the documents and testimony to be presented unchanged and undiluted.

"It would [damage] the credibility of our defense to use watered-down information," he said. "We've always argued that the material is not really top secret anymore. It's more embarrassing to the government than anything else."